



1 **ASTA**
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7 **DISTRICT COURT**

8 **CLARK COUNTY NEVADA**

9 AMERICAN BROADCASTING
10 COMPANIES, INC.; THE ASSOCIATED
11 PRESS; CABLE NEWS NETWORK,
12 INC.; CHESAPEAKE MEDIA I, LLC,
13 D/B/A KSNV-TV; LOS ANGELES
14 TIMES COMMUNICATIONS, LLC; THE
15 NEW YORK TIMES COMPANY; AND
16 WP COMPANY LLC D/B/A THE
17 WASHINGTON POST,

18 Petitioners,

19 v.

20 LAS VEGAS METROPOLITAN POLICE
21 DEPARTMENT,

22 Respondent.

23 LAS VEGAS REVIEW-JOURNAL,

24 Petitioner,

25 v.

26 LAS VEGAS METROPOLITAN POLICE
27 DEPARTMENT,

28 Respondent.

Case No.: A-17-764030-W
Consolidated Case No.: A-17-764169-W

Dept. No.: XXIII

CASE APPEAL STATEMENT

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1. *Name of cross-appellant filing this case appeal statement:*

Petitioner Las Vegas Review-Journal.

2. *Identify the judge issuing the decision, judgment, or order appealed from:*

The Honorable Richard F. Scotti, District Court Judge.

3. *Identify each cross-appellant and the name and address of counsel for each appellant:*

MARGARET A. MCLETSHELL, Nevada Bar No. 10931

ALINA M. SHELL, Nevada Bar No. 11711

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701 East Bridger Ave., Suite 520

Las Vegas, NV 89101

Counsel for Petitioner/Cross-Appellant Las Vegas Review-Journal

4. *Identify each cross-respondent and the name and address of appellate counsel, if known, for each cross-respondent:*

CRAIG R. ANDERSON, Nevada Bar No. 6882

NICK D. CROSBY, 8996

JACKIE V. NICHOLS, Nevada Bar No. 14246

MARQUIS AURBACH COFFING

10001 Park Run Drive

Las Vegas, NV 89145

Counsel for Appellant/Cross-Respondent Las Vegas Metropolitan Police Department

5. *Indicate whether any attorney identified above in 3 or 4 is not licensed to practice law in Nevada and, if so, whether the District Court granted that attorney permission to appear under SCR 42 (and attach a copy of any District Court order granting such permission):*

Not applicable. All attorneys are licensed in Nevada.

6. *Indicate whether appellant was represented by appointed or retained counsel in the District Court:*

Appellant is represented by retained counsel.

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7. *Indicate whether appellant is represented by appointed or retained counsel on appeal:*

Retained counsel.

8. *Indicate whether Appellant was granted leave to proceed in forma pauperis, and the date of entry of the District Court order granting such leave:*

No.

9. *Indicate the date the proceedings commenced in the District Court, e.g., the date the complaint, indictment, information, or petition was filed:*

The Petition for Writ of Mandamus in this action was filed on November 2, 2017.

10. *Provide a brief description of the nature of the action and result in the District Court, including the type of judgment or order being appealed and the relief granted by the District Court:*

This cross-appeal seeks review of two orders entered by the district court pertaining to a petition for writ of mandamus submitted pursuant to the Nevada Public Records Act (“NPRA”), Nev. Rev. Stat. § 239.011(2) after Appellant/Cross-Respondent the Las Vegas Metropolitan Police Department (“LVMPD”) declined to produce certain public records pertaining to the shooting which occurred on October 1, 2017 at the Route 91 Harvest Music Festival in Las Vegas, Nevada. On March 2, 2018, the district court entered and noticed an Order granting the petition, but permitting the LVMPD at least six months to produce records and redact certain information. In the order, the district court found that the NPRA required the Review-Journal and other petitioners to pay fees associated with the production of the requested records, and ordered the parties to submit supplement briefing regarding to amount to be charged with respect to the production of the records. On March 9, 2018, without holding an evidentiary hearing, the district court entered and noticed another order pertinent to the records request which properly denied some of the LVMPD’s request to charge fees for the production of some records, but permitted LVMPD to charge certain fees for the production of certain responsive public records, some of which are not permitted by law.

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11. *Indicate whether the case has previously been the subject of an appeal or an original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:*

This case has not been the subject of any prior case in the Nevada Supreme Court

12. *Indicate whether this appeal involves child custody or visitation:*

This appeal does not involve child custody or visitation.

13. *If this is a civil case, indicate whether this appeal involves the possibility of settlement:*

The Review-Journal does not believe this appeal involved the possibility of settlement, as the events of 1 October occurred over six months ago and the LVMPD has not produced a single responsive record.

DATED this the 13th day of April, 2018.

/s/ Margaret A. McLetchie

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Counsel for Las Vegas Review-Journal

MCLETCHIE SHELL

I hereby further certify that on the 13th day of April, 2018, pursuant to Nev. R. Civ. P. 5(b)(2)(B), I mailed a true and correct copy of the foregoing CASE APPEAL STATEMENT by depositing the same in the United States mail, first-class postage pre-paid, to the following:

Joel E. Tasca and Justin A. Shiroff
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 Angeles Times Communications, LLC, The New York Times Company, and WP
 Company LLC d/b/a The Washington Post*

/s/ Pharan Burchfield
EMPLOYEE, McLetchie Shell LLC